

EXHIBIT 1



**Service of Process
Transmittal**

02/09/2018

CT Log Number 532774324

TO: Oni Holley, Assistant General Counsel
U.S. Security Associates, Inc.
200 Mansell Court, Fifth Floor
Roswell, GA 30076-4852

RE: Process Served in Texas

FOR: U.S. Security Associates, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Kathy Krebs, Pltf. vs. U.S. Security Associates, Inc., Dft.

DOCUMENT(S) SERVED: Citation, Return, Original Petition

COURT/AGENCY: 23rd District Court Brazoria County, TX
Case # 95237CV

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 06/10/2017

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 02/09/2018 postmarked on 02/07/2018

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after you were served (Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): Eric T. Furey
GILBERT & FUREY
7 West Way Court, Suite A
Lake Jackson, TX 77566
979-297-1222

ACTION ITEMS: CT has retained the current log, Retain Date: 02/10/2018, Expected Purge Date: 02/15/2018

Image SOP

Email Notification, Diane Raidt draidt@ussecurityassociates.com

Email Notification, Sarah Walsh swalsh@ussecurityassociates.com

Email Notification, Oni Holley oholley@ussecurityassociates.com

Email Notification, Heather Shively hshively@ussecurityassociates.com

Email Notification, Jacqueline Pendleton jpendleton@ussecurityassociates.com

SIGNED: C T Corporation System

ADDRESS: 1999 Bryan Street
Suite 900
Dallas, TX 75201



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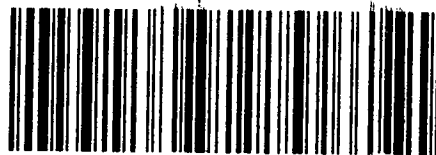
TELEPHONE: 214-932-3601

CERTIFIED MAIL®

Case 3:18-cv-00067 Document 1-1 Filed on 03/09/18 in TXSD Page 4 of 20



RHONDA BARCHAK, District Clerk
Brazoria County
111 E. LOCUST Ste 500
ANGLETON, TX 77515-4678



9414 7266 9904 2111 9876 64

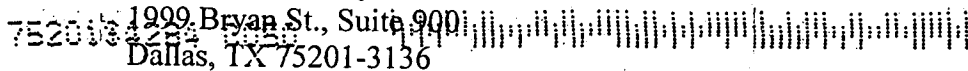


U.S. POSTAGE >> PITNEY BOWES



ZIP 77515 \$ 006.88⁰
02 4W
0000347811 FEB. 07. 2018

U.S. Security Associates, Inc.
By serving it's Registered Agent
CT Corporation System
1909 Bryan St., Suite 900
Dallas, TX 75201-3136



Service I.D. No. 206645

THE STATE OF TEXAS

CAUSE NO. 95237-CV

23rd District Court

Kathy Krebs

vs.

U.S. Security Associates, Inc.

To: U.S. Security Associates, Inc.
By serving it's Registered Agent
CT Corporation System
1999 Bryan St., Suite 900
Dallas, TX 75201-3136

Defendant

Notice:

You have been sued. You may employ an attorney. If you or your Attorney do not file a written answer with the Clerk who issued this Citation by **10:00 a.m.** on the Monday next following the expiration of 20 days after you were served this **Citation and Plaintiff's Original Petition**, a Default Judgment may be taken against you. If filing Pro Se, said answer may be filed by mailing same to: Brazoria County District Clerk's office, 111 E. Locust, Suite 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address.

The case is presently pending before the **23rd District Court** of Brazoria County sitting in Angleton, Texas, 77515 and was filed on the **5th day of February, 2018.**

The name and address of the attorney filing this action (or party, if pro se') is **Eric T. Furey, Gilbert & Furey, 7 West Way Court, Suite A, Lake Jackson, TX 77566.**

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the **6th day of February, 2018**, at **10:00 am** I mailed to **U.S. Security Associates, Inc.** by certified mail a true copy of this Citation with a copy of the **Plaintiff's Original Petition** attached hereto.

Issued under and given under my hand and seal of said Court, at Angleton, Texas, on the **6th day of February, 2018.**

RHONDA BARCHAK, DISTRICT CLERK
Brazoria County, Texas

By Brandi Anderson Deputy
Brandi Anderson



Citation by R/A by Certified Mail

SERVICE COPY

Service I.D. No. 106645

CAUSE No. 95237-CV
23rd District Court
Kathy Krebs vs. U.S. Security Associates, Inc.

OFFICER'S RETURN BY MAIL

I hereby certify that on the _____ day of _____, 20____, the Defendant was served by registered mail or certified mail, with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the petition attached thereto. Return receipt attached hereto.

OR

This citation was not executed for the following reason:

RHONDA BARCHAK, DISTRICT CLERK

By _____, Deputy

ATTACH
RETURN
RECEIPT
WITH
ADDRESSEE'S SIGNATURE

EXHIBIT 2

Filed for Record
2/5/2018 11:20 AM
Rhonda Barchak, District Clerk
Brazoria County, Texas
95237-CV
Kristie Wiley, Deputy

NO. 95237-CV

KATHY KREBS
Plaintiff,

V.

U.S. SECURITY ASSOCIATES, INC.
Defendant.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

JUDICIAL DISTRICT.

BRAZORIA COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

Kathy Krebs, Plaintiff, complains of U.S. Security Associates, Inc., Defendant, and shows the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 3 and requests that the Court enter an appropriate docket control order.

PARTIES AND SERVICE

2. Plaintiff is an individual whose resides in Brazoria County, Texas.
3. The last three numbers of Plaintiff's social security number are 348. The last three numbers of Plaintiff's driver's license number are 463.
4. Defendant, U.S. Security Associates, Inc., is a foreign corporation registered to do business in Texas and may be served with process by serving it registered agent CT Corporation System at 1999 Bryan St., Suite 900, Dallas, TX 75201-3136.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.
6. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.
7. Venue in Brazoria County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or

omissions giving rise to this lawsuit occurred in this county.

FACTS

8. On or about June 10, 2017, the Plaintiff was commuting to her job as an employee of a contractor at the Dow Chemical Company facility in Freeport, Texas. The Defendant, U.S. Security Associates, Inc., provides security guard services at this facility. The Plaintiff's commute requires her to pass through an entrance that is manned by employees of the Defendant. This entrance has, among other security features, a GRAB Gate (Ground Retractable Automobile Barrier) which is a robust barrier designed to prevent cars and trucks from crashing through gates and into protected facilities. The GRAB Gate can be lowered into the road surface to allow vehicles to enter and exit and can be raised to prevent vehicles from passing. The GRAB Gate at the entrance through which the Plaintiff passed on this day was operated by employees of the Defendant.

9. On the morning of the accident, the Plaintiff stopped at the gate, followed the required "badging-in" procedures, and was cleared to proceed by the Defendant's employee who was at all times acting in the course and scope of her duties as an employee of the Defendant. However, the Defendant's employee made errors in her operation of the GRAB Gate causing it to rise violently from the roadway below the Plaintiff's car. The force of the impact injured the Plaintiff and caused the damages about which she complains.

PLAINTIFF'S CLAIM OF NEGLIGENCE AGAINST DEFENDANT

10. Defendant had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described.

11. Plaintiff's injuries were proximately caused by Defendant's negligent, careless, and reckless disregard of this duty.

12. The negligent, careless, and reckless disregard of duty of Defendant consisted of, but is not limited to, the following acts and omissions:

- A. The failure to operate the GRAB Gate in an appropriate and safe manner;
- B. The failure to properly train, supervise, and instruct its employees in the proper and safe procedures for operating the GRAB Gate; and
- C. The failure to act as a reasonably prudent person would under the same or similar circumstances;

DAMAGES

13. As a direct and proximate result of the occurrence made the basis of this lawsuit, the Plaintiff suffered severe personal injuries and incurred the following damages:

- A. Reasonable medical care and expenses in the past;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Mental anguish in the past; and
- J. Mental anguish in the future.

REQUESTS FOR DISCLOSURE

14. Plaintiff request that the Defendant disclose the information set out in

Texas Rule of Civil Procedure 194.2 within 50 days of service of this Petition.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

GILBERT & FUREY

By: /s/ Eric T. Furey

Eric T. Furey
Texas Bar No. 07553900
Email: efurey@gilbertfurey.com
7 West Way Court, Suite A
Lake Jackson, TX 77566
Tel. (979) 297-1222
Fax. (979) 480-0887
Attorney for Plaintiff

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

No. 95237-CV

KATHY KREBS	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	23rd JUDICIAL DISTRICT
	§	
U.S. SECURITY ASSOCIATES, INC.	§	
Defendants.	§	OF BRAZORIA COUNTY, TEXAS

**DEFENDANT U.S. SECURITY ASSOCIATES, INC.'S ORIGINAL ANSWER
TO PLAINTIFF'S ORIGINAL PETITION**

COMES NOW, Defendant U.S. SECURITY ASSOCIATES, INC. (hereinafter referred to as "Defendant") and files its Original Answer to Plaintiff KATHY KREBS' Original Petition, and in support thereof, would respectfully show the Court as follows:

**I.
GENERAL DENIAL**

1. As authorized by Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of matters pleaded by Plaintiff's claims and requests that the Court require Plaintiff to prove her allegations by a preponderance of the evidence and by clear and convincing evidence, where appropriate, as required by the Constitution and laws of the State of Texas.

**II.
JURY DEMAND**

2. Defendant respectfully demands a trial by jury on all contested issues of fact.

WHEREFORE PREMISES CONSIDERED, Defendant, U.S. SECURITY ASSOCIATES, INC., prays that upon final hearing hereof, Plaintiff take nothing by way of her Petition, and any revised, amended, and/or subsequently filed Petition, in this cause, and that Defendant have judgment in its favor over and against Plaintiff and such other and further relief as to which Defendant may show itself justly entitled.

Respectfully submitted,

GORDON REES SCULLY MANSUKHANI

By: /s/ Jeffrey R Lilly

Jeffrey R. Lilly

State Bar No. 00787905

jlilly@grsm.com

Telephone: (512) 582-6487

Jared L. Byrd

State Bar No. 24078295

jbyrd@grsm.com

Telephone: (512) 582-6473

816 Congress Avenue, Suite 1510

Austin, Texas 78701

Telephone: (512) 391-0197

Fax: (512) 391-0183

**ATTORNEYS FOR DEFENDANT
U.S. SECURITY ASSOCIATES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant U.S. SECURITY ASSOCIATES, INC.'s Original Answer to Plaintiffs' Original Petition has been served on all counsel of record in accordance with the Texas Rules of Civil Procedure on this the 2nd day of March, 2018.

Via E-Service

Eric T. Furey
Gilbert & Furey
7 West Way Court, Suite A
Lake Jackson, TX 77566
979-297-1222

ATTORNEYS FOR PLAINTIFF

/s/ Jeffrey R. Lilly
Jeffrey R. Lilly

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)Location : All Courts [Help](#)**REGISTER OF ACTIONS****CASE No. 95237-CV****Kathy Krebs vs. U.S. Security Associates, Inc.**§
§
§
§
§Case Type: **Injury or Damage - Motor Vehicle**
Date Filed: **02/05/2018**
Location: **23rd District Court**

PARTY INFORMATION

Defendant **U.S. Security Associates, Inc.****Attorneys****Plaintiff** **Krebs, Kathy****Eric T. Furey**
Retained
979-297-1222(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS02/05/2018 **Original Petition (1-10 Plaintiffs) (OCA)**02/05/2018 **Case Information Sheet**02/05/2018 **Request**02/05/2018 **Docket Sheet**02/05/2018 **Jury Fee Paid**02/06/2018 **Citation by Certified Mail**
U.S. Security Associates, Inc.

Served

02/09/2018

02/12/2018 **Service Returned**03/05/2018 **Answer**

EXHIBIT 4

INDEX OF MATTERS FILED

Exhibit 1	Citation of Service
Exhibit 2	Plaintiff's Original Petition Defendant U.S. Security Associates, Inc.'s Original Answer to Plaintiff's Original Petition
Exhibit 3	State Court Docket Sheet
Exhibit 4	Index of Matters Being Filed
Exhibit 5	All Counsel of Record

EXHIBIT 5

ALL COUNSEL OF RECORD

**ATTORNEYS FOR PLAINTIFF
KATHY KREBS**

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Attorney in Charge

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